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MEMO ENDORSED

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May 20, 2008

Endorsement

BY FAX

The Honorable Naomi R. Buchwald
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAY 20 2008

UNITED STATES DISTRICT COURT

*Application to extend
the discovery cut-off
until July 31, 2008 is
granted. However, defendants
shall respond to plaintiff's
request within the next three(3)
weeks. So Ordered: Prathyusha Reddy
5/21/08*

Re: Andrew Mattox v. City of New York, et al., 07 CV 7266 (NRB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, assigned to the defense of the above-referenced action. I write to respectfully request an adjournment of the discovery deadline from May 30, 2008, until July 31, 2008. Plaintiff's attorney, Mr. Fred Lichtmacher, has consented to this request.

This is defendants' first request for an adjournment of the discovery deadline. To date, the parties have been engaging in paper discovery and have conducted the depositions of plaintiff and non-party witnesses Kim Serrano and George Cortes. The parties have additionally scheduled the depositions of the defendant Police Officers Marachilian and Franklyn for Thursday, May 22, 2008.

Defendants request this adjournment in light of a scheduling conflicts that the undersigned has in two other cases. I have recently been assigned to handle the defense in the matter of Annunziata v. City of New York, et al., 06-CV-7637 (SAS). Last night, at approximately 6 p.m., the Court held an telephone status conference at which the Court set forth a trial date of June 16, 2008.¹ In addition, the Court directed defendants for the first time to produce addendums to their motions *in limine* as well as specific pre-trial submissions by the close of business on Wednesday, May 21, 2008. In addition, I am also assigned to the defense of the City of New York and several detectives in the matter of Gibbs v. City of New York, 06-CV-5112 (ILG)(VVP). At this time, the parties in Gibbs have been in the process of scheduling the depositions of defendant former Detective Louis Eppolito. Last week, the Court in Gibbs

¹ The trial of this matter was originally scheduled to begin on June 23, 2008.

confirmed an order scheduled Louis Eppolito's deposition to go forward in Las Vegas, Nevada on May 28th, May 29th and May 30th. Accordingly, I will be out of the office in Las Vegas, Nevada for the entirety of next week.

An extension of discovery will allow the undersigned time to prepare and produce the defendant Police Officers for their depositions.² In addition, both plaintiff and defendants are seeking additional paper discovery in light of defendants' discovery responses and plaintiff's deposition.³ As such, an extension of the discovery deadline will permit the parties to locate and produce these additional documents.

In light of the above, I respectfully request an adjournment of the May 30, 2008, discovery deadline until July 30, 2008.

Thank you in advance for your consideration herein.

Respectfully submitted,



Prathyusha Reddy (PR 5579)
Assistant Corporation Counsel
Special Federal Litigation Division

cc:

BY FAX

Fred Lichtmacher, Esq.
Attorney for Plaintiff
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² In light of the submissions due by the close of business on May 30, 2008, in Annunziata, I will be unable to meet with and prepare the defendant Police Officers for their deposition, which was originally scheduled for May 22, 2008. In addition, in light of the deposition scheduled in Las Vegas, Nevada, from May 28, 2008 through May 30, 2008, in Gibbs, the undersigned will be unable to produce defendants for their depositions during that week as well.

³ For instance, plaintiff is seeking the memo book entries of non-party police officer witnesses; defendants are in the process of obtaining plaintiff's medical documents from a provider that he identified for the first time at his May 19, 2008, deposition.